

## ESTABLISHING THE ARCHES NATIONAL PARK IN UTAH

SEPTEMBER 30, 1971.—Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Mr. TAYLOR, from the Committee on Interior and Insular Affairs, submitted the following

### REPORT

[To accompany H.R. 7136]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 7136) to establish the Arches National Park in the State of Utah, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, lines 6 and 7, delete "numbered 138-91,022, and dated January 1971, are" and insert in lieu thereof "numbered RPSSC-138-20,001E and dated September 1969, are".

Page 5, beginning at line 3 through line 7, delete all of subsection (b) and insert in lieu thereof the following new subsection:

(b) Within three years from the date of enactment of this Act, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendations as to the suitability or unsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness shall be in accordance with said Wilderness Act.

Page 5, lines 8, 9, and 10, delete section 6 and insert the following new sections:

SEC. 6. (a) The Secretary, in consultation with appropriate federal departments and appropriate agencies of the State and its political subdivisions shall conduct a study of proposed road alignments within and adjacent to the park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purpose of this Act as well as to connect with roads of ingress and egress to the Area.

(b) A report of the findings and conclusions of the Secretary shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, \$125,000 for the acquisition of lands and interests in lands and not to exceed \$1,031,800 (April 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to the approval of this Act.

Page 2, beginning at line 17 and continuing through page 3, line 2, delete all of subsection (b) and renumber accordingly.

Page 3, line 3, through page 4, line 14, delete SEC. 3 and insert a new section as follows:

SEC. 3. Where any Federal lands included within the park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the person holding such grazing privileges or their heirs to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.

Page 4, line 22, delete "park." and insert in lieu thereof

park: *Provided*, That the Secretary may designate driveways and promulgate reasonable regulations providing for the use of such driveways."

#### PURPOSE

The purpose of H.R. 7136, by Representatives McKay and Lloyd, is to redesignate the Arches National Monument as a National Park and to establish statutory boundaries therefor.

#### BACKGROUND

The Arches National Monument was originally created by Presidential Proclamation in 1929. On three occasions, the monument has been enlarged by administrative action—the last being January 20, 1969, when it was expanded from 34,010 acres to 82,953 acres. The wisdom of making such massive boundary changes without congressional guidance is certainly questionable, especially in light of the fact that the Congress has been reasonably cooperative in authorizing the establishment of new units of the national park system when a meritorious case has been made.

In spite of the unnecessary controversy that attends such unilateral action on the part of a President, it is generally advantageous to dis-

regard the discourtesy and proceed as expeditiously as possible with the public business. This is what the Committee on Interior and Insular Affairs proposes to do.

#### DESCRIPTION AND LOCATION

Not unlike other parts of this vast open country in the State of Utah, the area involved under the terms of H.R. 7136 is spectacular. Indicative of its name, this area contains numerous arches (almost 90 have been discovered) carved in the Entrada Sandstone by the forces of nature. The bonus at this unusual area lies in the "uncountable" number of other weirdly shaped and delicately sculptured remains of that sandy formation which had its origin about 150 million years ago.

Much of the most intriguing part of the area has been administered as a national monument for many years, but some significant areas of the public domain remained outside the boundaries; consequently, action was taken to incorporate them into the monument. While this was accomplished without Congressional action, only the Congress can create a national park. H.R. 7136, if enacted, will establish the Arches National Park and will create statutory boundaries for it.

In accordance with the recommendations of the Department of the Interior, H.R. 1736, as amended, would revise the boundaries to include approximately 73,234 acres of land. While the legislation does not add any areas which would require the acquisition of any privately owned-lands, there are some lands in private ownership which were within the boundaries of the enlarged national monument and which will be within the national park.

#### COMMITTEE CONSIDERATION

Shortly after the 1969 Presidential Proclamation was announced, hearings were held by a subcommittee of the Committee on Interior and Insular Affairs in communities located near the Utah areas involved. Despite the fact that the usual legislative authorizing procedures had been disregarded, numerous witnesses appeared and presented constructive suggestions for future legislative action.

Late in the second session of the 91st Congress, and again early in this Congress, the Subcommittee on National Parks and Recreation conducted public hearings on the various legislative proposals involving park areas in southern Utah. As a result of these deliberations, the Committee has developed its recommendations for the consideration of the House.

#### COMMITTEE AMENDMENTS

Numerous amendments were considered during the deliberations on this legislation. Some of those recommended are technical in nature, but others are more substantive. The essence of the amendments recommended follows:

(1) On the basis of the recommendation of the Department of the Interior, a new boundary map reference would be included in the bill if H.R. 7136 is approved as amended. In effect, this revision will reduce the size of the park by approximately 160 acres which the departmental witness indicated was not needed.

(2) Language authorizing the Secretary to exchange Federal lands outside the park for non-Federal lands within the park would be deleted if the Committee recommendation is approved, because the Secretary has ample authority under present law to make such exchanges, if appropriate.

(3) As recommended, H.R. 7136 would allow existing grazing uses to be phased out in accordance with a formula established in the Canyonlands National Park Act (P.L. 88-590, 78 Stat. 934). In effect, it allows any permittee or lessee or his heirs to renew such permit or lease one time.

(4) Grazing is an important enterprise in this part of the country and the trailing of cattle and sheep along traditional courses at different seasons of the year is extremely important. For this reason, the bill recommended provides for the continued use of driveways within the park, subject to reasonable regulation by the Secretary.

(5) As has been done in other measures, the Committee recommends the inclusion of a provision calling for a wilderness study to be made of the area for possible future action by the Congress.

(6) As recommended, the legislation includes a provision requiring the Secretary, in consultation with other appropriate Federal, State, and local agencies, to conduct a study of proposed road alignments in, and adjacent to, the park and to submit his findings to the Congress within two years after the date of enactment of the bill. It is not the intent of the Congress, by this provision to bind or obligate the Federal government in any way. Once the study is completed, a future Congress may consider it on its merits.

(7) The bill, as recommended, contains the usual provision limiting the amounts authorized to be appropriated for land acquisition and development. In this case, since a national monument already exists, the limitations imposed relate only to future acquisitions in, and future development of, the area.

It was suggested during the discussions on this bill and related measures that an Advisory Commission should be authorized to consult with the Secretary in formulating plans for the park areas of Southern Utah; however, in light of the fact that the Secretary has general authority to appoint such panels, an amendment to this effect was not deemed necessary. Because of the unique situation in this area—where so many units of the national park system are located in the same region—it would seem appropriate to appoint an Advisory Commission to give the public—and particularly representatives of residents in the area—an opportunity to present their views and participate in the program.

#### COST

The Committee recommendation includes a provision limiting the amount authorized to be appropriated for land acquisition to \$125,000. For development the limitation is \$1,031,800. Unlike authorization ceilings for new areas, these limitations apply only to future acquisitions and developments and do not include appropriations heretofore made for those purposes in the existing national monument.



## COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends the enactment of H.R. 7136, as amended.

## DEPARTMENTAL REPORT

The favorable report of the Department of the Interior, dated June 9, 1971, follows:

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., June 9, 1971.

Hon. WAYNE N. ASPINALL,  
*Chairman, Committee on Interior and Insular Affairs,*  
*House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Your Committee has requested the views of this Department on H.R. 7136, a bill "To establish the Arches National Park in the State of Utah."

We recommend the enactment of H.R. 7136, if amended as set forth herein.

Prior to January 20, 1969, Arches National Monument consisted of 34,009.94 acres. Proclamation No. 3887 of January 20, 1969, added approximately 48,943 acres to the monument, for a total acreage at present of approximately 82,953 acres. The net effect of H.R. 7136 would be to delete some 9,559 acres from the monument and redesignate it as a national park.

We have carefully reviewed the boundaries of the existing national monument, and we believe that substantial deletions could properly be made without compromising the natural features of the area. Also, a minor addition is desirable to include certain striking formations, part of which are within the existing boundary.

We recommend the following amendments to H.R. 7136:

1. On page 1, revise lines 6 and 7 to read as follows: "tional park, Utah, numbered RPSSC-138-20,001E, and dated September 1969, are hereby established as the Arches National."

This amendment substitutes a revised boundary map for the one referred to in the bill. The boundary we recommend would encompass approximately 73,234 acres, whereas the boundary map referred to in H.R. 7136 would encompass 73,394 acres.

2. On page 2, line 9, delete "(a)", and delete lines 17 through 24 on page 2, and lines 1 and 2 on page 3.

This amendment deletes subsection 2(b), which authorizes acquisition by exchange specifically for Arches National Park. Section 5(b) of the Act of July 15, 1968 (82 Stat. 354, 16 U.S.C. 460L-22(b)), authorizes acquisition by exchange applicable to any unit of the National Park System. The specific language for Arches National Park is therefore unnecessary.

3. On page 3, delete lines 14 through 24, and lines 1 through 14 on page 4, and substitute in lieu therefore "ten years from the date of approval of this Act."

Section 3 of the bill gives holders of existing grazing privileges a statutory right of renewal up to a period ending 25 years from the date of the Act, and it gives existing permittees or members of their immediate families the right to renewal for an indefinite period. Our amendment would require that all existing grazing permits be phased out within 10 years. We believe that continued grazing use for any longer period is not compatible with optimum protection and interpretation of a national park. With the boundary we recommend, there are 9 permittees grazing a total of 1,834 animal-unit-months within the area.

4. On page 4, line 22, change the period to a colon and insert the following proviso:

*Provided*, That the Secretary may regulate such use and designate driveways therefor.

Section 4 of the bill provides that nothing in this Act shall be construed as affecting any rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of the Act, to trail their herds on traditional courses and to water their stock on lands within the park. The amendment adds a proviso which would make it clear that the existing authority of the Secretary to regulate the use of Federal lands for these purposes would continue to apply to the park.

5. On page 5, after line 10, insert the following new subsection to section 5:

“(c) Wilderness areas heretofore or hereafter designated within the former Arches National Monument pursuant to section 3(c) of the Wilderness Act shall, notwithstanding, the abolishment of the monument and establishment of the park, be administered in accordance with such wilderness designation.”

In accordance with section 3(c) of the Wilderness Act, a review of roadless areas in the Arches National Monument, as it was constituted on the effective date of the Wilderness Act, has been completed by the Secretary of the Interior, and recommendations have been submitted to the Congress for designation of certain areas as wilderness. The purpose of this amendment is to clarify the fact that reclassification of the national monument as a national park will in no way alter the effect of an Act of Congress designating portions of the former monument as wilderness. The areas recommended for wilderness designation are depicted on a map entitled “Recommended Wilderness, Arches National Monument, Utah” numbered NM-ARC; 7403, and dated April 1969.

The enactment of this bill will not result in any increased expenditures above those which would normally be incurred for the existing national monument.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely yours,

NATHANIEL REED,  
*Assistant Secretary of the Interior.*





